

LEWIS
AND
ROCA
LLP
LAWYERS

E-Filed on 2/19/09

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 0065934
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Ex Parte Motion For An Order to
Replace Exhibit A to Reply in Support
of Motion To Approve Settlement
With Debt Acquisition Company Of
America V, LLC**

Date: February 20, 2009
Time: 9:30 a.m.
Place: Foley Federal Building, 300
Las Vegas Boulevard South,
Courtroom 1, Las Vegas,
Nevada

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

The USACM Liquidating Trust (the "Trust") requests that Exhibit A to the Reply in Support of Motion to Approve Settlement With Debt Acquisition Company of America V, LLC filed this morning at DE 6836 be removed from the docket and replaced with Exhibit A to this motion. The exhibit contains confidential information that should not be

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.



1 available and was filed inadvertently. Only the first page of the document entitled "USA
2 Commercial Mortgage Prepaid Interest Recap as of 9/30/08" should have been filed with
3 the Clerk of the Court. The balance contains names of lenders and amounts that, while
4 perhaps not legally protected, should not be filed with the Court and made a part of the
5 public record. This office erred in uploading the incorrect exhibit. The revised Exhibit A
6 is attached, and is the first page of the prior exhibit.

7 A form of order will be uploaded for the Court's convenience.

8 Dated: February 19, 2009.

9
10 **LEWIS AND ROCA LLP**

11 By: /s/ RC (#6593)

12 Susan M. Freeman, AZ 4199 (*pro hac vice*)

13 Rob Charles, NV 6593

14 3993 Howard Hughes Parkway, Suite 600

15 Las Vegas, Nevada 89169-5996

16 Facsimile (702) 949-8321

17 Telephone (702) 949-8320

18 *Counsel for USACM Liquidating Trust*